

HOUSE BILL No. 1054

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-244.3; IC 13-23.

Synopsis: Notice of underground storage tank leaks. Requires notification to nearby property owners of a release or potential release of a contaminant from an underground storage tank system.

Effective: July 1, 2005.

Ulmer

January 4, 2005, read first time and referred to Committee on Environmental Affairs.

C
o
p
y



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1054

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-244.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2005]: **Sec. 244.3. "UST system", for**
4 **purposes of IC 13-23, has the meaning set forth in 329 IAC 9-1-49,**
5 **as in effect on January 1, 2005.**

6 SECTION 2. IC 13-23-14-2 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A person who
8 violates a rule adopted under IC 13-23-1-2 by:

9 (1) knowingly failing to give a required notification; or

10 (2) submitting false information;

11 is subject to a civil penalty of not more than ten thousand dollars
12 (\$10,000) for each underground storage tank for which a required
13 notification is not given or for which false information is submitted.

14 (b) A person who violates IC 13-23-16 as described in
15 IC 13-23-16-3 is subject to a civil penalty of not more than ten
16 thousand dollars (\$10,000) for each incident with respect to a UST
17 system for which:



C
o
p
y

1 **(1) a required notification is not given; or**

2 **(2) false information is submitted.**

3 SECTION 3. IC 13-23-16 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2005]:

6 **Chapter 16. Notification to Property Owners**

7 **Sec. 1. A citation in this chapter to a rule refers to the rule as in**
8 **effect on January 1, 2005.**

9 **Sec. 2. A person required to report under 329 IAC 9-4-1 or 329**
10 **IAC 9-4-4 must notify the owner of each parcel of real property**
11 **located wholly or in part within a one-quarter (1/4) mile radius of**
12 **the location of the UST system that is the subject of the report. The**
13 **notification must:**

14 **(1) be made by certified mail;**

15 **(2) be postmarked not later than ten (10) days after the**
16 **deadline for the report to the department under 329**
17 **IAC 9-4-1 or 329 IAC 9-4-4; and**

18 **(3) include the same information reported to the department**
19 **under 329 IAC 9-4-1 or 329 IAC 9-4-4.**

20 **Sec. 3. A person who violates this chapter by:**

21 **(1) failing to give; or**

22 **(2) submitting false information in;**

23 **the notification required by section 2 of this chapter is subject to a**
24 **civil penalty under IC 13-23-14-2.**

C
O
P
Y

